

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID TERRELL CUNNINGHAM,

Plaintiff,

v.

ALAMEDA COUNTY SHERIFF'S
DEPARTMENT, et al.,

Defendants.

Case No. [20-cv-02191-VKD](#)

**ORDER OF REASSIGNMENT TO
DISTRICT JUDGE**

David Terrell Cunningham, a pretrial detainee proceeding pro se, filed this civil rights complaint pursuant to 42 U.S.C. § 1983 against Alameda County Sheriff's Department officers. Dkt. No. 1. Mr. Cunningham has failed to file a completed application to proceed in forma pauperis by June 4, 2020, as the Court directed him to do in its last order granting him an extension of time to do so. Dkt. No. 6. This action is therefore subject to dismissal. *Id.*

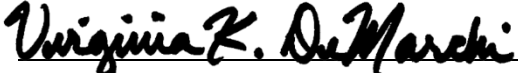
All named parties, including unserved defendants, must consent to magistrate judge jurisdiction before a magistrate judge may hear and decide a case. *See* 28 U.S.C. § 636(c)(1); *Williams v. King*, 875 F.3d 500, 501–04 (9th Cir. 2017) (magistrate judge lacked jurisdiction to dismiss case on initial review because unserved defendants had not consented to proceed before magistrate judge). As it appears that this case requires a decision that disposes of the claims against some or all of the defendants at this time, and because not all parties have consented to magistrate judge jurisdiction, the matter must be reassigned to a district judge.

Accordingly, the Clerk shall reassign this case to a district judge pursuant to the Court's Assignment Plan.

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IT IS SO ORDERED.

Dated: June 12, 2020


VIRGINIA K. DEMARCHI
United States Magistrate Judge

United States District Court
Northern District of California